IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1805 of 1992

For Approval and Signature:

Hon'ble MR.JUSTICE N.G.NANDI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

EXECUTIVE ENGINEER

Versus

VANIA MULJI MOHAN

Appearance:

1. Special Civil Application No. 1805 of 1992

MR DG CHAUHAN for Petitioner No. 1

MR DM THAKKAR for Respondent No. 1

CORAM : MR.JUSTICE N.G.NANDI

Date of decision: 07/03/2002

ORAL JUDGEMENT

1. In this petition under Article 226 and 227 of the Constitution of India, the petitioner has been challenging the award dated 18-10-1991 whereby Learned

Labour Judge, Rajkot, in Reference (LCR) No: 1802/1987 directed reinstatement of the workman Mulji Mohan Vania with 50 % of the backwages.

2. It is stated by Mr. Chauhan, learned counsel for the petitioner that, pursuant to the order dated 17-2-1993 of this Court, respondent workman has been reinstated in service and 50 percent of the backwages of the awarded amount has been deposited. It is stated by Mr. D.M.Thakkar, learned counsel for the respondent workman that, pursuant to the order dated 17-2-1993 of this Court, petitioner has been reinstated in service and since then he has been satisfactorily working with the petitioner; that, so far as non-granting of full backwages and granting only 50 % backwages is concerned, respondent workman has not challenged that part of the award and respondent is not aggrieved with the grant of only 50 % of the backwages under the award.

3. As far as reinstatement is concerned respondent workman has been reinstated and has been working with the petitioner, and 50 % of the awarded backwages amount has been deposited and withdrawn by the respondent workman. The question is only about remaining 50 % of awarded backwages which comes to Rs.4000/-. It is stated by Mr. Thakkar that as far as remaining 50 % of the awarded backwages, he does not press for the same and the workman is contented with the amount of Rs.4000/- pursuant to the order dated 17-2-1993 as the workman has been reinstated in service.

4. In view of the above, and having regard to merits of the case, there is no reason to interfere with the award dated 18-10-1991 passed by the Labour Court, Rajkot.

5. The petition is dismissed. Rule is discharged. No order as to costs.

Dt: 7-3-2002 (N.G. Nandi, J)

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